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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,126	08/09/2005	Masayuki Tsutsumi	2298/8	8894
23838 7590 07/10/2008 KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005				
EXAMINER				
CHEN, VIVIAN				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
07/10/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/507,126

**Applicant(s)**

TSUTSUMI ET AL.

**Examiner**

Vivian Chen

**Art Unit**

1794

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5, 2/5, 6, 9 is/are allowed.
- 6) ☒ Claim(s) 7, 2/7, 12 is/are rejected.
- 7) ☒ Claim(s) 3-4, 8, 10-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 6/24/2008
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claim 1 has been cancelled by Applicant.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/24/2008 has been entered.

***Withdrawal of Allowability***

1. The indication of allowable subject matter in previously presented claim 7 has been withdrawn in view of newly discovered references. New grounds of rejections follow.

***Claim Objections***

2. Claims 3-4, 10-11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

***Claim Rejections - 35 USC § 112***

3. The rejections under 35 U.S.C. 112, second paragraph, in the previous Office Action has been withdrawn in view of Applicant's Amendment filed 6/24/2008.

***Claim Rejections - 35 USC § 103***

1. Claims 7, 2/7, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over:  
YAMASAKI ET AL (US 5,518,817),  
in view of DAVIS (US 5,037,700),  
and in view of ULLMANN'S ENCYCLOPEDIA OF INDUSTRIAL CHEMISTRY  
(ULLMANN'S).

YAMASAKI ET AL discloses laminates comprising an oriented syndiotactic polystyrene film layer, a laminating adhesive layer, and another thermoplastic resin layer (e.g., polyester, etc.). (entire document, e.g., line 17-23, 30-57, col. 1; line 37-48, col. 4; line 19-51, col. 5; line 3-10, 36-39, col. 7; etc.)

However, the references fail to explicitly disclose the recited adhesion-promoting layer.

DAVIS discloses that it is well known in the art to utilize water dispersible coating compositions comprising a copolymer comprising at least 60 wt% acrylate monomers and up to 39 wt% styrene as an adhesive layer for forming laminates comprising two disparate thermoplastic resin layers, wherein the adhesive has a typical bond strength of 850 lb/in or more. (line 5-36, col. 1; line 60, col. 2 to line 5, col. 3; line 65-68, col. 6; Example 1)

ULLMANN'S discloses that it is well known in the art to incorporate slip agents and/or antiblocking particles into polymeric film layers in order to improve film handling properties. (section 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize known water-based adhesive coating compositions as disclosed in DAVIS to bond the oriented syndiotactic polystyrene film layers of YAMASAKI ET AL to other thermoplastic film layers in order to form delamination resistant multilayer films. It also would have been obvious to incorporate conventional friction-reducing additives (e.g., particles) in the polystyrene and/or the other thermoplastic film layer in order to improve the slipperiness and film handling properties of the laminate. Regarding claim 12, the recited coating steps is a product-by-process limitation and is not further limiting in as so far as the structure of the product is concerned. "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. ***The patentability of a product does not depend on its method of production.*** If the product in the product-by-process claim is the same or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." [emphasis added] *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). See MPEP 2113. Once a product appearing substantially identical is found, the burden shifts to applicant to show a ***unobvious*** difference between the claimed product and the prior art product. *In re Marosi*, 710 F.2d 798, 802, 218 USPQ 289, 292 (Fed. Cir. 1993).

***Response to Arguments***

2. Applicant's arguments filed 6/24/2008 have been fully considered but are moot in view of the new grounds of rejection.

***Allowable Subject Matter***

3. Claims 5, 2/5, 6, 9 are allowable over the prior art of record.
4. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to disclose or suggest an oriented syndiotactic polystyrene film having an adherent layer, wherein: (1) the adherent layer comprises the recited polystyrene sulfonate salt as a major component (claim 5).

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivian Chen whose telephone number is (571) 272-1506. The examiner can normally be reached on Monday through Thursday from 8:30 AM to 6 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano, can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

The General Information telephone number for Technology Center 1700 is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 2, 2008

/Vivian Chen/

Primary Examiner, Art Unit 1794